

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BELVA SMITH,

Plaintiff,

v.

Case No. 15-CV-257

FALLS COLLECTION SERVICE, INC., and
ACCOUNT RECOVERY SERVICE, INC.,

Defendants.

ELIZABETH DAVIS,

Plaintiff,

v.

Case No. 15-CV-436

FALLS COLLECTION SERVICE, INC., and
ACCOUNT RECOVERY SERVICE, INC.,

Defendants.

ORDER

On January 12, 2016, the parties filed a joint motion to consolidate *Belva Smith v. Falls Collection Service, Inc., et al.*, 15-cv-257, currently pending before this court, with

Elizabeth Davis v. Falls Collection Services, et al., 15-cv-436, currently pending before the Honorable Magistrate Judge Nancy Joseph. (ECF No. 20.) Civil Local Rule 42(a) provides, "If the motion [to consolidate cases] is granted, the judge to whom the lowest numbered case is assigned will handle all future proceedings covered by the consolidation order." The parties request an exception to that rule, stating that, "Due to the differences in the deadline dates between the two cases, the parties would prefer and request to consolidate the Belva Smith case (15-cv-257) with the Elizabeth Davis case (15-cv-436) in Magistrate Judge Jo[seph]s' Court." (ECF No. 20 at 2.)

Rule 42 is nondiscretionary. If the cases are consolidated, this court is to handle all further proceedings. It is not clear that the parties wish to pursue their consolidation request if that will be the result. Given that the parties seek a result not permitted by the local rules, the motion must be denied without prejudice. If the parties so choose, they may file a new motion to consolidate the cases in this court. If they do so, the court is amenable to extending the current deadlines.

IT IS THEREFORE ORDERED that the parties' Joint Motion to Consolidate with 15-cv-436 (ECF No. 20) is **denied** without prejudice.

Dated at Milwaukee, Wisconsin this 15th day of January, 2016.


WILLIAM E. DUFFIN
U.S. Magistrate Judge